



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO GEORGIA PACIFIC CORPORATION, BROOKNEAL OSB, REGISTRATION NUMBER 30903

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §1300 *et seq.* and 10.1-1185 between the State Air Pollution Control Board and Georgia Pacific Corporation, Brookneal OSB for the purpose of resolving certain violations of Conditions Part III.D.1.a.2 and Part III.D.1.a.4 of Georgia Pacific's Title V permit with an effective date of January 6, 2003, as amended September 2, 2003.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia described in § 10.1-1301 and § 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Order.
6. "Georgia Pacific Corporation, Brookneal OSB or Georgia Pacific" means Georgia Pacific Corporation, Brookneal OSB certified to do business in Virginia and its affiliates, partners, subsidiaries and parents.
7. "Facility" or "Source" means Georgia Pacific Corporation, Brookneal OSB, located in Campbell County, Virginia.
8. "SCRO" means the South Central Regional Office located in Lynchburg, Virginia.
9. "SEP" means Supplemental Environmental Project.
10. "Regulations" means the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).

SECTION C: Findings of Fact and Conclusions of Law

1. Part III.D.4.a of Georgia Pacific's Title V permit with an effective date of January 6, 2003, as amended September 2, 2003, states:

Periodic activity tests shall be conducted on the TCO catalyst to determine the ongoing activity level in terms of percent destruction of VOC. The periodic activity test requirement shall remain in effect so long as the oxidizer is operated as a catalytic unit. Unless otherwise approved in writing by DEQ, the interval for these periodic activity tests shall not exceed 12 months of TCO operation, calculated from the month following the most recent valid periodic activity test. Two (2) copies of the test results shall be submitted to the South Central Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110, and Condition 24 of the NSR permit issued September 17, 1997, as amended April 10, 1998, December 3, 1999, August 28, and December 3, 2002, and June 30, 2003).

2. Part III.D.1.a.2 of Georgia Pacific's Title V permit with an effective date of January 6, 2003, as amended September 2, 2003, states:

The minimum combustion temperature for the RTO shall be maintained at 1500° F when the press is in operation. The RTO minimum combustion chamber temperature shall be an hourly average, calculated on a 15 minute rolling basis.

The minimum combustion temperature for the TCO shall be maintained at 900° F when the press is in operation. The TCO minimum combustion temperature shall be an hourly average, calculated on a 15 minute rolling basis.

The exhaust gas from the press shall have a minimum one (1) second retention time at or above the applicable minimum combustion chamber temperature for the RTO/TCO.

(9 VAC 5-80-110, and Condition 7 of the NSR permit issued September 17, 1997, as amended April 10, 1998, December 3, 1999, August 28, and December 3, 2002, and June 30, 2003).

3. Georgia Pacific Corporation, Brookneal OSB conducted the most recent catalytic activity test on the TCO catalyst to determine the ongoing activity level in terms of percent destruction of VOC on May 12, 2005. DEQ received the results of the catalytic activity test on August 4, 2005. The source collected a composite sample (a sample from each of the six canisters). Analysis of that sample demonstrated that the source was not meeting the minimum 95% destruction efficiency at the minimum combustion chamber temperature of 900° F. The source was only able to demonstrate a destruction efficiency of 94.1% at 825° F. These results indicate that the TCO has experienced reduced catalytic activity since the last catalytic activity test conducted on July 8, 2004. Since these test results demonstrate reduced catalytic activity, the source submitted a Prompt Deviation Report with these results acknowledging a permit deviation.
4. Since receiving test results indicating reduced catalytic activity, the source converted the TCO to RTO mode on July 23, 2005. The source continued to

operate in RTO mode until the catalyst was replaced on September 21, 2005.

5. Once the catalyst was replaced, the source performed voluntary stack testing on September 30, 2005, to determine whether the press TCO was meeting NO_x, CO and VOC permitted short term emissions limits. In addition, the source was determining the TCO destruction removal efficiency of VOC after methane was subtracted.
6. The source submitted the results of the September 30, 2005, voluntary stack testing on November 8, 2005, because the results demonstrated noncompliance. Review of the results demonstrated that the source was not meeting the VOC short term emission limit and was not achieving acceptable destruction removal efficiency. The source did meet the short term emission limits for NO_x and CO. The results were as follows:

NO_x:

permit limit: 4.53 lb/hr

test results: 1.34 lb/hr

CO:

permit limit: 7.19 lb/hr

test results: 0.37 lb/hr

VOC:

permit limit: 2.09 lb/hr

test results: 2.71 lb/hr

permitted destruction removal efficiency: 95%

test results destruction removal efficiency: 92.2%

7. Part III.D.1.a.4 of Georgia Pacific's Title V permit with an effective date of January 6, 2003, as amended September 2, 2003, states:

Emissions from the operation of the press shall not exceed the limits specified below:

Particulate Matter	3.53 lb/hr	15.0 tons/yr*
PM-10	3.53 lb/hr	15.0 tons/yr*
Nitrogen Oxides (as NO ₂)	4.53 lb/hr	18.5 tons/yr*
Carbon Monoxide	7.19 lb/hr	30.5 tons/yr*
Volatile Organic Compounds	2.09 lb/hr	8.9 tons/yr*

*Tons/yr calculated monthly as the sum of each consecutive 12 month period.

(9 VAC 5-80-110, and Condition 36 of the NSR permit issued September 17, 1997, as amended April 10, 1998, December 3, 1999, August 28, and December 3, 2002, and June 30, 2003.)

8. A Notice of Violation was issued to Georgia Pacific Corporation, Brookneal OSB on December 13, 2005.
9. A meeting was held between Georgia Pacific Corporation, Brookneal OSB and the Department of Environmental Quality, South Central Regional Office on January 4, 2006.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307 (D), 10.1-1309, 10.1-1184, and 10.1-1316 (C), orders Georgia Pacific Corporation, Brookneal OSB, and Georgia Pacific Corporation, Brookneal OSB, agrees that:

1. Georgia Pacific Corporation, Brookneal OSB shall pay a civil charge of \$6,498.00 for the violations described in Section C of this order. Georgia Pacific Corporation, Brookneal OSB may satisfy its obligations to pay in part by performing the Supplemental Environmental Project (SEP) described in Appendix A of this Order.
2. Georgia Pacific Corporation, Brookneal OSB shall make a payment of \$1,624.00 of this civil charge within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia," delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

3. Georgia Pacific Corporation, Brookneal OSB shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order.

4. Georgia Pacific Corporation, Brookneal OSB shall implement the SEP as identified in Appendix A of this Order. The cost to Georgia Pacific Corporation, Brookneal OSB for the SEP shall be a minimum of \$4,874.00. Upon completion of the SEP, pursuant to Virginia Code §10.1-1186.2 and as described in Appendix A, Georgia Pacific Corporation, Brookneal OSB shall within 30 days, but no later than March 31, 2006, provide a completion report including actual SEP costs to the Department.
5. In the event that the SEP is not performed as described in Appendix A, upon the Department's determination of non-performance and within 30 days of notification by the Department, the civil charge is due in full. Georgia Pacific Corporation, Brookneal OSB shall pay the amount of the SEP specified in paragraph 4 of this Section.
6. Georgia Pacific Corporation, Brookneal OSB shall submit a Monitoring Plan for the Press TCO/RTO describing procedures to be taken to keep the Press TCO/RTO in good working order at all possible times within 30 days of the date that Georgia Pacific Corporation, Brookneal OSB signs this Order.

SECTION E: Administrative Provisions


1. The Board may modify, rewrite, or amend this agreement with the consent of Georgia Pacific Corporation, Brookneal OSB for good cause shown by Georgia Pacific Corporation, Brookneal OSB or on its own motion after notice and an opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Georgia Pacific Corporation, Brookneal OSB by DEQ on December 13, 2005. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Georgia Pacific Corporation, Brookneal OSB admits the jurisdictional allegations, factual findings and conclusions of law contained herein.

4. Georgia Pacific Corporation, Brookneal OSB consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this order.
5. Georgia Pacific Corporation, Brookneal OSB declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2 4000 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Georgia Pacific Corporation, Brookneal OSB to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Georgia Pacific Corporation, Brookneal OSB shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Georgia Pacific Corporation, Brookneal OSB shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Georgia Pacific Corporation, Brookneal OSB shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Georgia Pacific Corporation, Brookneal OSB. Notwithstanding the foregoing, Georgia Pacific Corporation, Brookneal OSB agrees to be bound by any compliance date which precedes the effective date of the Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Georgia Pacific Corporation, Brookneal OSB. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Georgia Pacific Corporation, Brookneal OSB from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Georgia Pacific Corporation, Brookneal OSB voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of March 3rd, 2006.


David K. Paylor, Director
Department of Environmental Quality

Georgia Pacific Corporation, Brookneal OSB voluntarily agrees to the issuance of this Order.

By: Francis Wayne Bales

Date: 2/27/06

Commonwealth of Virginia City County of CAMPBELL

The foregoing instrument was acknowledged before me this 27th day of

FEBRUARY, 2006 by FRANCIS Wayne Bales,
(name)

who is PLANT MANAGER of Georgia Pacific Corporation,
(title)

Brookneal OSB on behalf of the Corporation.


Notary Public

My commission expires 05/31/07.

CO - ASCRO4777
February 16, 2006

Appendix A

Supplemental Environmental Project

SUPPLEMENTAL ENVIRONMENTAL PROJECT ANALYSIS ADDENDUM

Va. Code §10.1-1186.2.A

Case Name: Georgia-Pacific Corporation - Brookneal OSB

RECEIVED**FEB 08 2006****DEQ SCRO**

Project Description: Provide Hazardous Materials Response Equipment to the
Appomattox Fire Department

1. Explain how the project is environmentally beneficial:
Equipping the local fire department with hazardous material response equipment would allow them to respond to hazardous materials spills which would be protective of both public health and the environment.
2. SEP may only be a partial settlement: show what initial penalty was computed, along with the appropriate SEP amount and final penalty figure:
Initial Penalty Assessed: \$6,498
SEP Amount: >\$4874 (See Attachment for Individual Items)
Final Penalty Amount: \$1624
3. Explain how the SEP is not otherwise required by law:
Providing a local fire department with hazardous material response equipment is generally a local government/community funding issue and is not a requirement of a regulated entity.
4. Is there reasonable geographic nexus? If YES, explain:
Yes, the local fire department is within 30 miles of the facility.

If NO, then does the SEP advance one of the declared objectives of the law or regulation that is the basis of the enforcement action? Explain:

5. Check all the qualifying categories that may apply:

- | | |
|---|---|
| <input checked="" type="checkbox"/> public health | <input type="checkbox"/> environmental restoration and protection |
| <input type="checkbox"/> environmental compliance promotion | <input type="checkbox"/> pollution reduction |
| <input checked="" type="checkbox"/> emergency planning and preparedness | <input type="checkbox"/> pollution prevention |

6. Each of the following factors MUST be considered. Respond to each:

☐ Net costs (zero out all government loans, grants, tax credits for project). Explain:

There will be no loans, grants, tax credits associated with the SEP. See attachment for proposed cost associated with the SEP.

☐ Benefits to the public or the environment. Explain:

Equipping the local fire department with hazardous material response equipment would allow them to respond to hazardous materials spills which would be protective of both public health and the environment.

☐ Innovation. Explain:

Would allow the local fire department to respond to emergencies that they are not currently able to respond to.

☐ Impact on minority or low income populations. Explain:

The proposed SEP is race and income neutral. The impact will be the same for all populations within the local community.

☐ Multimedia impact. Explain:

The ability to respond to hazardous material incidents could reduce the potential impact for increased contamination to soils, surface water, groundwater associated with a spill had the incident not been responded to in a timely manner.

☐ Pollution prevention. Explain

See multimedia impact statement above.

CONFIDENTIAL

FEB 08 2006

APPOMATTOX

**HAZMAT EQUIPMENT
TO BE PROVIDED TO THE
APPOMATTOX FIRE DEPARTMENT**

<u>EQUIPMENT DESCRIPTION</u>	<u>COST</u>
Enclosed HazMat Decontamination Shower (P/N 92793)	\$2,520.00
HazMat Decontamination Shower Sump Pump (P/N 92795)	\$400.00
Water Manifold Kit for Shower Sump Pump (P/N 105578)	\$342.00
Two-Piece Non-Sparking Polypropylene Safety Shovel (40") (P/N 11815)	\$58.60
Two-Piece Non-Sparking Polypropylene Safety Shovel (35") (P/N 7087)	\$62.00
One-Piece Non-Sparking Polypropylene Safety Shovel (43.5") (P/N 25962)	\$48.10
Drum Repair Kit with Non-Sparking Tools (P/N 35158)	\$361.00

The above material can be purchased at Lab Safety Supply (www.lss.com).

4 Gas Solaris Fire Multigas Detector (P/N A SOLFIRE DL11110U)	\$1,015.00
Vehicle Charger for Multigas Detector (P/N 10049410)	\$ 116.67
Total (excluding tax, S/H)	\$4,923.37

The above can be purchased at Fire and Safety Equipment Company

The HazMat equipment listed above was requested by Timmy Garrett of the Appomattox Fire Department to assist in the supply of their Hazardous Material Incident Response Vehicle.

The above listed items will be provided to the Appomattox Fire Department within 60 days of execution of the Consent Order.